

## REMARKS

### **I. Interview**

Applicants extend their appreciation to Examiner Van for the interview on March 15, 2006 with the undersigned and Charles Thorpe. During the interview, Applicants discussed how aspects of embodiments of the invention differ from Housely. Consistent with the interview, Applicants submit amended claims 1, 15, 39 and 53, each of which includes limitations related to structural configurations that allow steam to pass upwardly from a lower housing section, through grill apertures, onto the food item, and to the upper housing section. Housely, in contrast, describes a utensil having multiple cooking environments and a collection reservoir, which defines top and bottom sections and blocks passage from the bottom section to the top section.

Applicants also discussed that embodiments are suitable as one time use or disposable off-the-shelf products that can be purchased by consumers, heated when the food item is to be consumed, and discarded. The Examiner requested Applicants to point out where in the specification this is described. In accordance with the Examiner's request, Applicants refer to paragraph 51, which explains that a packaged food product can be stored until the product is purchased and/or ready to be prepared. The cooked food item can then be removed, and the housing with the remaining ingredient and grill can be discarded. Paragraph 50, consistent with paragraph 51, describes use of sealing the microwaveable housing to protect against potential contamination or product staling.

If any further comments regarding the interview are necessary, Applicants invite the Examiner to contact the undersigned.

### **II. Status of the Claims**

Claims 1, 2, 6, 11, 12, 14, 15, 19, 21, 26, 29, 31, 36, 37, 39-45, 47, 48, 53-58, 61, 62, 75, 87 and 88 are amended. Claims 89-99 are added. Claims 4, 23, 27, 28, 59, 60, 66-74, 77, 78, 81, 82, 85 and 86 are currently canceled without prejudice. Claims 5, 30 and 63-65 were previously canceled without prejudice. Claims 1-3, 6-22, 24-26, 29, 31-58, 61, 62, 75, 76, 79, 80, 83, 84 and 87-99 are currently pending in the application.

Claims 1 and 15 (both of which are directed to a cooking apparatus) are amended to recite additional structural limitations including structural limitations directed to the grill the housing

having a structural configuration that allows steam from a heated gelatinous ingredient to rise upwardly through grill apertures, onto a food item, and into an upper housing section. In particular, claims 1 and 15 each recites in part “said lower housing section and said grill are structurally configured so that steam ... passes upwardly from said interior space of said lower housing section, through said grill apertures, onto the food item, and into said interior space of said upper housing section.” Claim 15 further recites that “said lower housing section and said grill are structurally configured so that ... liquid from the heated food item can pass downwardly from the heated food item, through said grill apertures, and onto said bottom interior surface of said lower housing section.”

Thus, the amendments to claims 1 and 15 recite how the grill and microwaveable housing are structured, and Applicants respectfully request that full effect to all claim limitations be considered per 35 U.S.C. § 132 and 37 C.F.R. § 1.104(c). Applicants respectfully submit that the September 28, 2005 Office action assertion regarding “no patent weight” are moot in view of these amendments. Further, Applicants note that functional language does not, in and of itself, render a claim improper. MPEP § 2173.05(g). Rather, a functional limitation should be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the art, which, in this case, is how the grill and lower housing section are structurally configured. MPEP § 2173.05(g), citing *In re Swinehart*, 439 F.2d 210, 212 (CCPA 1971) and *In re Venezia*, 530 F.2d 956 (CCPA 1976) (Court held that limitations such as “members adapted to be positioned” and “portions ... being resiliently dilatable whereby said housing may be slidably positioned” serve to precisely define structural attributes of interrelated component parts of the claimed assembly).

As discussed during the Interview, claim 39 is directed to a “packaged food product” (rather than an apparatus) that has a housing, a support member, a food item, a grill and a gelatinous ingredient for the food item. Claim 53 is a method claim. Accordingly, the Examiner’s assertions regarding functional language are not applicable to claims 39 and 53, particularly in view of the above remarks, since, for example, a gelatinous ingredient is one element of a packaged food product. *See also* MPEP § 2116 (materials on which a process is carried out must be accorded weight in determining patentability).

The amendments and new claims do not present new matter. *See, e.g.*, para. 51 (after heating and removing food item, package can be discarded); para. 27 (housing can be rectangular, square,

circular and elliptical shapes); para. 23 (food item can be fish, beef, poultry, pork, vegetable, or soybean).

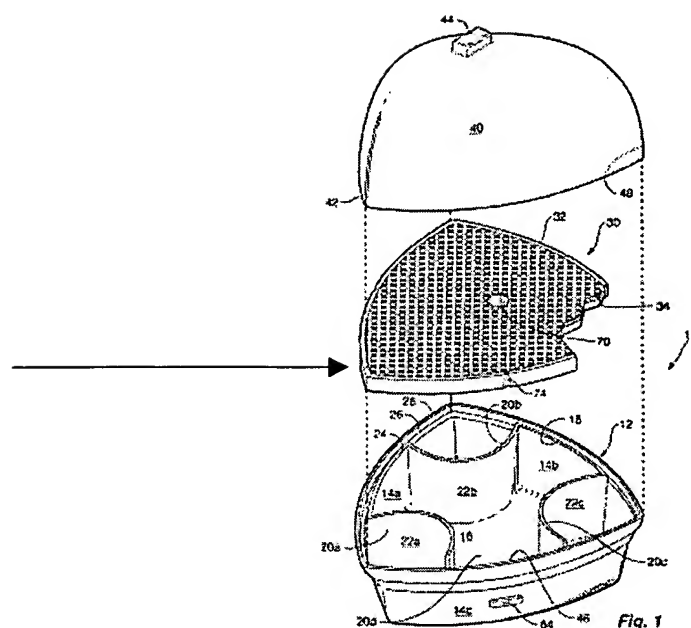
Reconsideration and allowance of the application, as amended, is respectfully requested.

### **III. Claims Are Novel Over Housely**

Independent claims 1 and 15 and respective dependent claims 2, 6, 7-15, 18, 19, 29, and 31-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,988,045 to Housely (“Housely”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference MPEP § 2131 (emphasis added). *Moab, BEVY v. Diamond Automation, Inc.*, 325 F.3d 1306 (Fed. Cir. 2003). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants respectfully submit that the rejection under § 102(b) is moot in view of the amended claims and the following remarks.

#### **A. Housely Does Not Disclose Or Suggest A Grill and Housing Structurally Configured as Recited in Claims 1 and 15**

Housely fails to disclose or suggest “said lower housing section and said grill are structurally configured so that steam ... passes upwardly from said interior space of said lower housing section, through said grill apertures, onto the food item, and into said interior space of said upper housing section” as recited in claims 1 and 15. Rather, as shown in Figure 1 of Housely reproduced below, Housely describes a utensil supporting multiple cooking environments and a collection reservoir 34 (identified by arrow), which is positioned below the grill, and the purpose of which is to collect run-off liquids (water, oil, grease) that are extracted from the food item on the grill. (Housely, Abstract; col. 5, lines 62-67).



In particular, Housely explains that air generally sealed within the first cooking environment (in the base 12) may circulate around the food items retained within the various cooking compartments (20a, 20b, 20c, 20d). The grill (30), which includes collection reservoir (34), has a size and shape substantially corresponding to the outer perimeter of the base unit (12), and supports a second cooking environment:

A utensil supporting multiple cooking environments for preparing foods ... The cooking grill having a cooking surface and a collection reservoir disposed beneath at least a portion of the cooking surface ... Collection channels may also be disposed along the upper cooking surface so as to provide device for feeding run-off liquids through the openings and into the underlying collection reservoir of the cooking grill. Having a dimensional size and shape substantially corresponding to the outer perimeter of the base unit, the cooking grill, when selectively disposed over the internal periphery of the base unit, facilitates a first cooking environment within the base unit. The air generally sealed within the first cooking environment may circulate around the food items retained within the various cooking compartments to provide device for preparing the food items contained therein. The cooking grill supports a second cooking environment for preparing foods, wherein liquids (i.e., water, oil, grease, etc.) may be collected from those food items disposed on or suspended above the upper cooking surface of the cooking grill. Depending upon whether the cover member is selectively positioned in supportable relation to the base unit and over the cooking grill, the second environment may facilitate the preparation of food items by means of grilling, baking, roasting and/or broiling. In addition, water may be introduced

into the collection reservoir of the cooking grill to provide device for steaming the food item(s) disposed within the second environment. (Housely, Abstract) (emphasis added); *see also* (Housely, col. 2, lines 47-58).

As will be further appreciated, the upper cooking surface of the cooking grill provides a second cooking environment for preparing foods, wherein liquids (e.g., water, oil, grease, etc.) may be collected from one or more food items positioned on or suspended above the upper cooking surface of the cooking grill. (Housely, col. 2, lines 59-64) (emphasis added). *See also*, (Housely, col. 6, lines 50-54).

Thus, Housely describes and illustrates a grill (30) having a collection reservoir (34), which collects run-off liquids from a food item supported by the grill (30), thus preventing run-off liquids from draining to the bottom of the utensil (e.g., draining into cooking compartment 20d), and preventing any steam that might be generated in the bottom of the utensil from passing through apertures of the grill (30) to the bottom of the food item. Claims 1 and 15, therefore, are fundamentally and substantially different than Housely in this regard.

**B. Housely Does Not Disclose Or Suggest A Grill and Housing Structurally Configured as Recited in Claims 14 and 15**

Additionally, Housely fails to disclose or suggest “said grill being structurally configured so that a liquid from the heated food item can drain downwardly through said grill apertures to said bottom interior surface of said lower housing section” as recited in claim 14 and “said lower housing section and said grill are structurally configured so that ... liquid from the heated food item can pass downwardly from the heated food item, through said grill apertures, and said bottom interior surface of said lower housing section” as recited in claim 15.

Rather, as discussed above, Housely discloses a grill (30) and collection reservoir (34) that catches liquid run-off from the food item on the grill (30). Consequently, the run-off liquids do not drain through grill apertures to a bottom surface of the utensil.

**C. Housely Does Not Disclose Or a Suggest Grill Having a Metalized Susceptor Material**

Applicants acknowledge that the Office action states that Housely does not disclose or suggest a grill having a metalized susceptor material.

**D. Independent Claims 1 and 15 and Respective Dependent Claims Are Novel Over Housely**

In view of the above remarks, claims 1 and 15 are substantially different relative to Housely. Further, dependent claims 2, 6-15, 18, 19, 29 and 31-38 incorporate all of the elements and limitations of respective independent claims 1 and 15 and add novel and non-obvious limitations thereto. Further, Housely is not relevant to various dependent claims as a result of the claim amendments and the “multiple cooking environment” configuration disclosed by Housely. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

**E. Any 103 Rejection Based on Housely Is Improper**

Applicants also note that an assertion that claims independent claims 1 and 15 and respective dependent claims 2, 6, 7-15, 18, 19, 29, and 31-38 are obvious over Housely would contradict the teachings of Housely.

For example, the substantial modifications that would be required to the utensil described by Housely (e.g., to permit steam to rise from a lower section, through grill apertures, and to an upper section) would involve removing the collection reservoir (34) and changing the intended purpose of the utensil described by Housely, i.e., to provide a utensil with multiple cooking environments. Thus, the suggestion or motivation to alter Housely is lacking since a proposed modification of a reference cannot render the reference unsatisfactory for its intended purpose or change its principle of operation).

Further, Housely teaches away from any such substantial modifications by disclosing that the grill includes a collection reservoir to collect run-off liquids, that each cooking compartment 20a-d provides means for “isolating one or more food items and its respective juices retained therein from mixing with foods retained in the other cooking compartments.” (Housely, col. 5, lines 27-30). Modifying Housely by removing the collection reservoir (34) would result in grease and oil dripping down into compartment (20c), which is the result that Housely tries to prevent. Thus, any rejection under § 103(a) would be improper. MPEP § 2146, citing *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983) (It is improper to modify or combine references where the references teach away from the modification or combination).

#### **IV. Claims Are Patentable Over Housely and Wang**

Independent claims 39 and 53 and respective dependent claims 40-42, 45, 47, 49, 50, 56-58, 61, 62, 79, 80, 83, 84, 87 and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,463,844 to Wang (“Wang”). Under 35 U.S.C. § 103(a), to establish a *prima facie* case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art, and all words in a claim must be considered in judging the patentability of that claim against the prior art. MPEP §§ 2143; 2143.03; *In re Royka*, 490 F.2d 981 (CCPA 1974). Moreover, there must be some suggestion or motivation to modify the reference, and a reasonable expectation of success. MPEP §§ 2143.012143.03; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). Additionally, a proposed modification of prior art cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of the referenced. MPEP § 2145. Also, it is improper to modify or combine references where the references teach away from the modification or combination. MPEP § 2146, citing *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983).

##### **A. Housely Does Not Disclose Or Suggest A Grill and Housing Configured as Recited in Claims 39 and 53**

Housely fails to disclose or suggest a packaged food product that is “structurally configured so that when the packaged food product is heated in the microwave oven, said heated gelatinous ingredient generates steam that rises upwardly from said interior space of said bottom housing section, through said grill apertures, onto at least a bottom surface of said heated food item, and into said interior space of said upper housing section” as recited in claim 39 and “heating the packaged food product in the microwave oven so that the food item is heated and the gelatinous ingredient is heated and at least partially liquefies or melts from a solid or semi-solid state, wherein the heated gelatinous ingredient generates steam that rises upwardly from the interior space of the lower housing section, through the grill apertures, onto at least a bottom surface of the food item, and into the interior space of the upper housing section” as recited in claim 53.

Rather, as discussed above in section III.A., Housely discloses a utensil supporting multiple cooking environments and a collection reservoir (34), which is positioned below the grill, and the purpose of which is to collect run-off liquids (water, oil, grease). (Housely, Abstract; col. 5, lines 62-67). In particular, Housely explains that air generally sealed within the first cooking environment (in base 12) may circulate around the food items retained within the various cooking compartments (20a, 20b, 20c, 20d), and that the grill (30), which includes collection reservoir (34), and has a size and shape substantially corresponding to the outer perimeter of the base (12), supports a second cooking environment. (Housely, Abstract; col. 2, lines 47-58; col. 2, lines 59-64; col. 6, lines 50-54).

Thus, the grill (30) having a collection reservoir (34) prevents run-off liquids from draining to the bottom of the base (12) (e.g., draining into cooking compartment 20d), and preventing passage from the bottom of the utensil, through apertures of the grill (30) and to the bottom of the food item.

**B. Housely Does Not Disclose Or Suggest A Grill and Housing Structurally Configured as Recited in Dependent Claim 45**

Additionally, Housely fails to disclose or suggest “wherein liquid from said heated food item can pass downwardly from said heated food item, through said grill apertures and onto said bottom interior surface of said lower housing section,” as recited in claim 45.

Rather, as discussed above in sections III.A. and III.B. Housely discloses a grill (30) and a collection reservoir (34) that catches liquid run-off from the food item on the grill (30). Consequently, the run-off liquids do not drain through grill (30) apertures to a bottom surface of the utensil.

**C. Housely and Wang Do Not Disclose A Gelatinous Ingredient As Recited in Claims 39 and 53**

Housely also fails to disclose or suggest “a gelatinous ingredient for said food item, wherein said gelatinous ingredient is not extracted from said food item being prepared and is positioned on said bottom interior surface of said lower housing section and below said grill” and that “said heated gelatinous ingredient generates steam that rises upwardly from said interior space of said bottom housing section, through said grill apertures, onto at least a bottom surface of said heated food item,

and into said interior space of said upper housing section” as recited in claim 39 and providing a “gelatinous ingredient for the food item, wherein the gelatinous ingredient is not extracted from the food item being prepared” ... and “wherein the heated gelatinous ingredient generates steam that rises upwardly from the interior space of the lower housing section, through the grill apertures, onto at least a bottom surface of the food item, and into the interior space of the upper housing section” as recited in claim 53.

Further, Housely does not disclose or suggest or why such an ingredient would be useful given the “multiple cooking compartment” configuration described by Housely. Moreover, Housely does not disclose or suggest the position of any such ingredient, or why such position would be useful given the “multiple cooking compartment” configuration and that the collection reservoir (34) would block any steam that might be generated by any such ingredient.

The Office action relies on Wang for the limited purpose of assertedly disclosing a gelatinous ingredient. Wang, however, does not cure other multiple deficiencies of Housely discussed above and has its own deficiencies. Nevertheless, what is described by Wang is a composition 21 that includes a conventional flavoring agent that is dispersed or dissolved in water, cooling oil, or is provided in powder form. (Wang, col. 1, line 8; col. 11, lines 31-37). Wang, however, is otherwise silent as to gelatinous properties, and is silent as to what kinds of flavoring agents it includes. The Office action has not identified any section of Wang that discloses a gelatinous ingredient, and does not set forth any basis regarding why the composition, to the limited extent it is described, is in fact gelatinous.

Further, the required suggestion or motivation to combine Housely and Wang is lacking considering that Housely discloses preparing food items by grilling, baking, roasting and/or broiling, such as meats, vegetables, fruits and cereals (Housely, Abstract, col. 5, lines 31-32), and Wang, on the other hand, is directed to baking dough for bread products. Wang does not mention the food items disclosed by Housely. Further, Wang does not suggest other food items. Further, as described by Wang, the problems to be solved relate to bread products. (Wang, col. 1, lines 8-48). Moreover, unlike bread disclosed in Wang, the food items disclosed by Housely have run-off liquids (water, oil, grease), whereas bread, as disclosed by Wang, does not. Thus, the required suggestion or motivation to combine Housely and Wang is lacking in view of the different food items, different cooking structures and considering that Housely relates to food items that produce run-off liquids.

**D. Independent Claims 39 and 53 and Respective Dependent Claims Are Patentable Over Housely and Wang**

In view of the amendments and above remarks, assuming *arguendo* that Housely and Wang were combined, the combination would neither disclose nor suggest all of the elements and limitations of independent claims 39 and 53. Accordingly the rejection under § 103(a) cannot stand. MPEP § 2143.03.

Further, as discussed above in section III.E. Housely teaches away from the substantial modifications that would be required to support the rejection. In particular, altering Housely so that steam rises from a lower section, through grill apertures, and to an upper section would involve removing the collection reservoir (34) and changing the intended purpose of the utensil described by Housely, i.e., to provide a utensil with multiple cooking compartments. The required suggestion or motivation therefore, is lacking. MPEP § 2145 (A proposed modification of prior art cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of the referenced).

Further, Housely teaches away from any such substantial modifications by disclosing that the grill includes a collection reservoir to collect run-off liquids, and that each cooking compartment 20a-d provides means for “isolating one or more food items and its respective juices retained therein from mixing with foods retained in the other cooking compartments.” (Housely, col. 5, lines 27-30). Modifying Housely by removing the collection reservoir (34) would result in grease and oil dripping down into compartment (20d), which is what Housely tries to prevent.

Therefore, any rejection of claims 39 and 53 under § 103(a) is improper, and claims 39 and 53 are patentable over Housely and Wang. Further, dependent claims 40-42, 45, 47, 49, 50, 56-58, 61, 62, 79, 80, 83, 84, 87 and 88 incorporate all of the elements and limitations of respective independent claims 39 and 53 and add novel and non-obvious limitations thereto. Further, Housely is not relevant to various dependent claims as a result of Housely’s multiple cooking environment configuration.

Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) based on Housely and Wang be withdrawn.

**V. Dependent Claims 75 and 76 Are Patentable Over Housely In View Of Wang and Thompson.**

Dependent claims 75 and 76 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of Wang and further in view of U.S. Patent No. 3,669,688 to Thompson (“Thompson.”) Thompson is cited for the limited purpose of disclosing an ingredient having corn syrup and agar.

Thompson, however does not cure the multiple deficiencies of Housely and Wang discussed above. Thus, the rejection is improper MPEP § 2143.03.

Moreover, there is no suggestion or motivation to combine the references. Under 35 U.S.C. § 103(a), to establish a *prima facie* case of obviousness of a claim, there must be some suggestion or motivation to modify the reference, and a reasonable expectation of success. MPEP §§ 2143.01-2143.03; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

Thompson discloses using agar as a stabilizer to reduce cracking of doughnut glazes. The composition described in Wang is to provide flavoring to a bread, and Housely discloses preparing food items by grilling, baking, roasting and/or broiling, such as meats, vegetables, fruits and cereals. There is no suggestion or motivation to combine the references given these substantially different food items, particularly considering that the agar disclosed in Thompson is used to reduce cracking of glazes. Moreover, none of Housely, Wang, and Thompson suggests why it would be desirable to include an ingredient that has corn syrup and agar.

Accordingly, Applicants respectfully request that the rejection of dependent claims 75 and 76 under 35 U.S.C. § 103(a) be withdrawn since the requirements of a rejection under § 103(a) have not been satisfied.

**VI. Dependent Claims 3 and 20-22 Are Patentable Over Housely In View Of Koochaki.**

Dependent claims 3 and 20-22, 43, 44 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,229,131 to Koochaki (“Koochaki”). Koochaki is cited for the limited purpose of disclosing a vent. Koochaki, however, does not cure the

multiple deficiencies of Housely discussed above. Accordingly, the Applicants respectfully request that the rejection of dependent claims 3 and 20-22 under 35 U.S.C. § 103(a) be withdrawn.

**VII. Dependent Claims 43, 44 and 54 Are Patentable Over Housely In View Of Wang and Koochaki**

Dependent claims 43, 44 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of Wang and Koochaki. Koochaki is cited for the limited purpose of disclosing a vent. Koochaki, however, does not cure the multiple deficiencies of Housely and Wang discussed above. Accordingly, the Applicants respectfully request that the rejection of dependent claims 43, 44 and 54 under 35 U.S.C. § 103(a) be withdrawn.

**VIII. Dependent Claims 24-26 Are Patentable Over Housely In View Of Levinson**

Dependent claims 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of U.S. Patent No. 4,923,704 to Levinson (“Levinson”). Levinson is cited for the limited purpose of disclosing a metalized susceptor material. Levinson, however, does not cure the multiple deficiencies of Housely discussed above. Accordingly, the Applicants respectfully request that the rejection of dependent claims 24-26 under 35 U.S.C. § 103 (a) be withdrawn.

**IX. Dependent Claims 46 and 55 Are Patentable Over Housely In View Of Wang and Levinson.**

Dependent claims 46 and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of Wang and Levinson. Levinson is cited for the limited purpose of disclosing a metalized susceptor material. Levinson, however, does not cure the multiple deficiencies of Housely and Wang discussed above. Accordingly, the Applicants respectfully request that the rejection of dependent claims 46 and 55 under 35 U.S.C. § 103(a) be withdrawn.

**X. Dependent Claims 16 and 17 Are Patentable Over Housely In View Of Barnes**

Dependent claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,608,292 to Barnes (“Barnes”). Barnes is cited for the limited purpose of disclosing a connector. Barnes, however, does not cure the multiple deficiencies

of Housely discussed above. Accordingly, Applicants respectfully request that the rejection of dependent claims 16 and 17 under 35 U.S.C. § 103(a) be withdrawn.

**XI. Dependent Claims 51 and 52 Are Patentable Over Housely In View Of Wang and Barnes**

Dependent claims 51 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of Wang and Barnes. Barnes is cited for the limited purpose of disclosing a connector. Barnes, however, does not cure the multiple deficiencies of Housely and Wang discussed above. Accordingly, Applicants respectfully request that the rejection of dependent claims 51 and 52 under 35 U.S.C. § 103(a) be withdrawn.

**XII. Dependent Claims 3, 20-22, 43, 44, 48 and 54 Are Patentable Over Housely In View Of Craft**

Dependent claims 3, 20-22, 43, 44, 48 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,018,157 to Craft ("Craft"). Craft is cited for the limited purpose of disclosing a vent. Craft, however, does not cure the multiple deficiencies of Housely discussed above. Applicants respectfully request that the rejection of dependent claims 3, 20-22, 43, 44, 48 and 54 under 35 U.S.C. § 103(a) be withdrawn.

**XIII. Independent 99 Is Patentable**

In view of the above remarks, Applicants respectfully submit that claim 99 is patentable over the references of record. Claim 99 recites "packaged food product" that includes a "gelatinous ingredient" that "is not extracted from said food item" and that is "positioned in said lower housing section below said grill." Claim 99 also recites structural limitations directed to "steam generated by heating said gelatinous ingredient can pass upwardly through said grill apertures, and liquid draining from said food item can pass downwardly through said grill apertures to said lower housing section."

As discussed above, Housely does not disclose or suggest all of these limitations, and teaches away from the housing and grill configuration recited in claim 99.

**XIV. Conclusion**

Based on the forgoing amendments and remarks, the Applicants respectfully submit that the application is in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

**BINGHAM McCUTCHEN, LLP**

Dated: March 21, 2006

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